

TO: SENATE JUDICIARY COMMITTEE
FROM: CHESSY PROUT



Dear Senators,

My name is Chessy Prout, and I'm writing about President Biden's nomination of Michael A. Delaney to the US Court of Appeals in Boston. I am asking that you vote "NO" to his nomination. Michael Delaney is not ethically qualified to sit on the bench.

I believe the justice system needs to serve all involved in court proceedings - the victim/complainant and the defendant/institution. A lawyer who practices victim intimidation is doing nothing for the greater good of the community; he stands in the way of justice and furthermore keeps his community in a toxic cycle of harm and silence.

I was the State of New Hampshire's primary witness in their case against Owen Labrie in 2015. When I was fifteen years old in 2014, I was sexually assaulted by Owen Labrie during a spring rite of passage at St. Paul's School in Concord, New Hampshire called the "senior salute", a ritual involving upperclassmen soliciting sexual favors from underclassmen before graduation. The terminology "Senior Salute" was published in the school newspaper (a documented exhibit in the trial), the Rector Michael Hirschfeld's wife received a "senior salute" by email from a student, and the Rector Michael Hirschfeld was the faculty advisor for a handbook outlining colloquial terms among the student body, including a definition of the "senior salute."

During the trial of the State's case in 2015, multiple St. Paul's School students were called to testify to Labrie's premeditation. The day of the students' scheduled testimony, I walked into the Merrimack Courthouse through the back doors with a

bailiff to avoid the news cameras at the front of the courthouse (I was a minor and Jane Doe in the case.) In a conference room on the first floor by the back door entrance I saw my former classmates, those who were scheduled to testify and some who were mere spectators, speaking with Michael Delaney. My father, Alexander Prout, and the director of public affairs for the New Hampshire Coalition Against Domestic and Sexual Violence, Amanda Grady Sexton, also witnessed the group assembled in the conference room. We notified state prosecutor Catherine Ruffle of what we saw.

When the students took to the stand, the pre-trial get-together Michael Delaney was involved in and seemingly coordinated on behalf of St. Paul's School began to make sense. The students had a new, carefully worded response when defining the "senior salute" to the jury, and all denied the school had any knowledge of the insidious nature of the ritual. From the scene that I witnessed in the courthouse conference room with the students and Michael Delaney to the new, stilted, coordinated definitions of the students testifying, I believe Michael Delaney tampered with the witnesses on behalf of his client, St. Paul's School.

When I learned the extent to which St. Paul's School knew of my perpetrator's prior abuse, my family and I sued the school in 2016. Michael Delaney, in response to our suit and as St. Paul's School's counsel, submitted a motion to strip my anonymity. I refused to allow this textbook tactic of victim intimidation to silence me, so I came forward publicly with my name and my story in an attempt to use my voice to shed light on the experience of a teenaged survivor of sexual assault.

I remember so clearly reading Michael Delaney's motion front to back when I came home from my new high school one day, processing what it meant, and then defiantly stating to my parents that after everything I'd been dragged through (from anonymous death and rape threats on the internet to the betrayal of and backlash from my closest friends at St. Paul's School), I wasn't going to let Michael Delaney's dirty tactics bully me, then 16, into shame and silence.

When survivors of sexual harassment, assault, and abuse come forward to seek some semblance of justice, there is an army of attorneys with a tried and true playbook of tactics to discredit, pressure, and manipulate survivors and victims into silence. What these attorneys don't seem to realize is that most survivors are simply seeking an acknowledgement of harm and an actionable plan to make their community a safer place.

Every 68 seconds, an American is sexually assaulted; every nine minutes, that victim is a child. According to the USDOJ, 63% of sexual assaults are not reported to the police. Of the 37% who do report, only 2.5% get some form of justice. This staggering statistic should give everyone, especially those in the legal field, pause.

If Michael Delaney is confirmed—if an attorney who brazenly intimidated a minor victim of sexual assault is given the distinct privilege to serve as a judge for the United States Court of Appeals—YOU are telling victims and survivors that you not only approve of victim intimidation tactics, you reward their enactors with one of the highest legal appointments in the state of Massachusetts.

I expressed my concerns to Attorney [REDACTED] from the Department of Justice when Michael Delaney was first nominated in April 2022, and today I am urging you to vote “NO” to Michael Delaney’s nomination.

Sincerely,

Chessy Prout